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TO AMEMBASSY LONDON PRIORITY

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FOR HERFURT

E.O. 11652: N/A

TAGS: CGEN, PFOR, UK

SUBJECT: EXTRADITION - JOHN JOSEPH LOMBARDOZZI

REF: LONDON 8829

1. EMBASSY IS INSTRUCTED TO APPROACH APPROPRIATE UK OFFICIALS TO DETERMINE IF EXTRADITION OF SUBJECT LOMBARDOZZI CAN BE OBTAINED ON THE BASIS OF INDICTMENTS FOR VIOLATIONS OF 15 U.S.C. 77Q(A), 15 U.S.C. 77X, AND 18 U.S.C. 1341. SUBJECT WAS CONVICTED AFTER JURY TRIAL IN U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK, JUDGE CHARLES H. TENNEY PRESIDING WITH CO-DEFENDANTS ON JUNE 9, 1972, FOR (A) ONE COUNT VIOLATION OF 18 U.S.C. 371 (CONSPIRACY BETWEEN 1-1-69 AND 7-15-71 TO SELL WORTHLESS STOCKS OF AN INOPERATIVE CORPORATION KNOWN AS LEISURE RESOURCES LIMITED, WHICH WAS THE SUCCESSOR TO PICTURE ISLAND COMPUTER CORP); (B) SIX COUNTS OF SPECIFIC ACTS OF SECURITY FRAUD BETWEEN 6-29-70 AND 9-29-70 INVOLVING MISREPRESENTATIONS AND FALSE PRETENSES IN VIOLATION OF 15 U.S.C.77(Q)(A) AND 77X; AND (C) FIVE COUNTS OF USE OF MAILES TO DEFRAUD IN SAME SCHEME BETWEEN

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6-29-70 AND 9-29-70 IN VIOLATION OF 18 U.S.C. 1341.

SUBJECT DID NOT POST BAIL AND DID FLEE THE COUNTRY.

ON JUNE 13, 1972, JUDGE TENNEY ISSUED A WARRANT FOR THE ARREST OF THE SUBJECT. DEPT BELIEVES THAT SUCH OFFENSES WOULD QUALIFY UNDER SECTION 18 OF ARTICLE 3 OF EXTRADITION TREATY BETWEEN UK AND USA SIGNED 1931 BUT IS NOT FREE FROM DOUBT GIVEN RECENT HISTORY OF REQUESTS FROM UK. LOMBARDOZZI IS ALSO CHARGED WITH VIOLATING 18 U.S.C. 2 (WHOEVER AID, ABETS ... IS PUNISHABLE AS A PRINCIPAL) AND 18 U.S.C. 37L (CONSPIRACY). DEPT PLANS TO FORWARD DOCUMENTS ASAP. IF UK OFFICIAL AGREES THAT SUCH INDICTMENTS WOULD BE SUFFICIENT UNDER TREATY, PROCEED TO REQUEST PROVISIONAL ARREST. IF UK OFFICIAL BELIEVES DOUBT EXISTS AND IF EMBASSY DOES NOT HAVE REASON TO BELIEVE THAT SUBJECT IS ABOUT TO TAKE FLIGHT, WITHHOLD REQUEST FOR ARREST UNTIL DOCUMENTS ARRIVE. PROVISIONAL ARREST IS REQUESTED BECAUSE THE SUBJECT HAS FLED FROM ITALY AND OTHER COUNTRIES WHEN HE WAS BEING SOUGHT THROUGH EXTRADITION PROCEDURES.

2. SUBJECT WAS BORN OCT. 2, 1925 IN BROOKLYN, NEW YORK, IS U.S. CITIZEN, STANDS 71 INCHES, WEIGHS ABOUT 250 POUNDS, HAS BLACK WAVY HAIR AND HAZEL EYES.

3. THE AFFIDAVIT OF THE PROSECUTING ATTORNEY IN THIS CASE STATES IN RELEVANT PART AS FOLLOWS:

8. THE DEFENDANT LOMBARDOZZI WAS CONVICTED OF COUNT 1 OF INDICTMENT 71 CR. 780. COUNT 1 CHARGES, IN SUMMARY, THAT DEFENDANT LOMBARDOZZI CONSPIRED WITH OTHERS TO SELL WORTHLESS STOCK IN AN INOPERATIVE U.S. CORPORATION, NAMELY, PICTURE ISLAND COMPUTER CORPORATION, TO THE GENERAL PUBLIC ON THE BASIS OF FALSE AND FRAUDULENT STATEMENTS AS TO ITS WORTH, THEREBY DEFRAUDING THE PURCHASERS OF SAID STOCK, OF MONEY AND OTHER VALUABLE PROPERTY. THIS CRIME OF CONSPIRACY AND FRAUD COMMENCED ON ABOUT JAN. 1, 1969 AND WAS PERPETRATED BY DEFENDANT LOMBARDOZZI AND OTHERS CONTINUOUSLY UP TO JULY 15, 1971, IN VIOLATION OF TITLE 18, UNITED STATES CODE, LIMITED OFFICIAL USE

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SECTION 371 AND 2.

9. THE DEFENDANT LOMBARDOZZI WAS CONVICTED ON COUNTS 11, 12, 13, 14, 15 AND 16 OF INDICTMENT 71 CR. 780. COUNTS 11, 12, 13, 14, 15 AND 16 CHARGE, IN SUMMARY, SIX SPECIFIC ACTS DONE OR CAUSED TO BE DONE BY

DEFENDANT LOMBARDOZZI TO CHEAT AND DEFRAUD UNSUSPECTING

PURCHASERS OF THE SAID WORTHLESS STOCK THEY WERE SELLING BY USING UNTRUE AND FRAUDULENT STATEMENTS, TO OBTAIN MONEY AND OTHER PROPERTY FROM THEM. THESE SIX SPECIFIC CRIMES, AS SET FORTH IN INDICTMENT 71 CR. 780, WERE COMMITTED BY DEFENDANT LOMBARDOZZI ON OR ABOUT JUNE 29, 1970 (COUNT 11), JULY OF 1970 (COUNT 12), JULY OF 1970 (COUNT 13), JULY 7, 1970 (COUNT 14), SEPTEMBER 29, 1970 (COUNT 15) AND SEPTEMBER 29, 1970 (COUNT 16), ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTIONS 77Q(A), 77X AND TITLE 18, UNITED STATES CODE, SECTION 2.

10. THE DEFENDANT LOMBARDOZZI WAS CONVICTED OF COUNTS 32, 33, 34, 35 AND 36 OF INDICTMENT 71 CR. 780. COUNTS 32, 33, 34, 35 AND 36 CHARGE, IN SUMMARY, FIVE SPECIFIC ACTS DONE OR CAUSED TO BE DONE BY DEFENDANT LOMBARDOZZI TO DEFRAUD AND CHEAT UNSUSPECTING MEMBERS OF THE PUBLIC, USING THE MAILS TO MAKE THE FALSE AND FRAUDULENT STATEMENTS IN ORDER TO OBTAIN MONEY AND PROPERTY IN EXCHANGE FOR WORTHLESS STOCK. THESE FIVE SPECIFIC CRIMES, AS SET FORTH IN INDICTMENT 71 CR. 780, WERE COMMITTED BY DEFENDANT LOMBARDOZZI ON OR ABOUT JULY 1970 (COUNT 32), JULY OF 1970 (COUNT 33), JULY 7, 1970 (COUNT 34), SEPTEMBER 29, 1970 (COUNT 35), AND SEPTEMBER 29, 1970 (COUNT 36), ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTIONS 1341 AND 2.

11. ALL OF THE COUNTS OF INDICTMENT 71 CR. 780 OF WHICH DEFENDANT LOMBARDOZZI WAS CONVICTED ARE FELONIES. COUNT 1 IS PUNISHABLE BY A MAXIMUM OF FIVE YEARS IMPRISONMENT AND/OR A MAXIMUM FINE OF \$10,000. COUNTS 11, 12, 13, 14, 15 AND 16 ARE EACH PUNISHABLE BY A MAXIMUM OF FIVE YEARS IMPRISONMENT AND/OR A MAXIMUM FINE OF \$5,000. COUNTS 32, 33, 34, 35 AND 36 ARE EACH LIMITED OFFICIAL USE

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PUNISHABLE BY A MAXIMUM OF FIVE YEARS IMPRISONMENT AND/OR A MAXIMUM FINE OF \$1,000. ROGERS

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